

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

March 15, 2018

Vice Chairman B. Larson called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, F. Peterson, B. Mazade, J. Doyle, M. Hovey-Wright,
E. Hood

MEMBERS ABSENT: B. Larson, excused; S. Gawron, excused; J. Montgomery-Keast,
excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: B. Playford for Avasure, 1635 Rood Point Rd; K. Zimmerman,
Community EnCompass; D. Alexander, 3410 Whiskey Hollow; K.
Kolberg, 3414 Whiskey Hollow; L. Taunt, 2561 Maplewood Dr SE,
Grand Rapids

ELECTION OF OFFICERS

A motion to retain T. Michalski as Chairman and to nominate B. Mazade as Vice Chair was made by F. Peterson, supported by E. Hood and unanimously approved. T. Michalski and B. Mazade accepted the nominations.

APPROVAL OF MINUTES

A motion to approve the Minutes of the regular Planning Commission meeting of February 15, 2018 was made by J. Doyle, supported by F. Peterson and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2018-06: Request to amend the Planned Unit Development at 1161 W Southern Ave to demolish a portion of the building and to expand the parking lot, by Avasure Properties, LLC. M. Franzak presented the staff report. The property is zoned R-1, Low Density Single Family Residential; however, a PUD to allow office/research and development was approved in 2017. The approved PUD included the usage of the former school gymnasium and 57 parking spaces. This request is to demolish the gymnasium and add parking in different phases, as needed. They are also planning to move the playground at the corner of Southern/Davis to behind the southern portion of the building. An urban garden will be located just to the east of the new playground. Staff is in the process of approving the relocation of the playground and the addition of the urban farm, since neither requires Planning Commission approval. There is an existing parking lot east of the current gymnasium. The plan shows a few different parking options, with some listed as future parking. After discussions with the applicant, it appears that the plan does not properly depict what they are requesting. They would like to retain a portion of the parking

lot near the corner of Southern and Barclay (33 spaces). The area where the gymnasium currently stands will be seeded for grass after demolition. An access drive to the building will be maintained to the south of the new grass area. They are requesting a total of 93 parking spaces when the building is fully occupied. Staff believes there may be a more efficient way to design the future parking and there also needs to be more detail on stormwater management. The dumpster and generator on the east side of the building appear to be fenced, but the plan must show that it is screened and at least 5 feet tall. Staff is asking the Planning Commission to recommend approval of the gymnasium demolition and the reconfiguration of the parking lot for 33 spaces; also, to approve the addition of up to 93 parking spaces on site, as long as each phase is reviewed and approved by staff. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff had not received any comments from the public. Staff recommends approval of the demolition and parking lot plan, with staff authorized to review each new parking lot phase, up to 93 spaces.

J. Doyle asked what the correct location of the parking spaces was, since the plan was incorrect. M. Franzak stated that the location was the same as noted on the plan but the phases were different. B. Mazade asked if the Nims Neighborhood had been notified of the request to relocate the playground. M. Franzak stated that they were aware of it and he had been working with them on it. They are also aware of the urban farm plan. M. Hovey-Wright asked if the group who raised the funds for the playground were aware of the plan. M. Franzak stated that they were, and they had been included in the discussions. B. Playford stated that the urban garden would be operated by Community EnCompass, and Avasure was paying to move the playground.

A motion to close the public hearing was made by B. Mazade, supported by J. Doyle and unanimously approved.

A motion that the request to amend the Planned Unit Development at 1161 W Southern Ave to demolish the gymnasium portion of the building and to expand the parking lot, be recommended to the City Commission for approval with the conditions that 1) staff may review future parking expansions with the ability to provide up to 93 parking spaces, and 2) any necessary permits are obtained, was made by M. Hovey-Wright, supported by B. Mazade and unanimously approved, with T. Michalski, F. Peterson, B. Mazade, J. Doyle, M. Hovey-Wright, and E. Hood voting aye.

Hearing, Case 2018-07: Request for a Special Land Use Permit to allow the conversion of the first floor commercial space into another residential unit in an R-2, Medium Density Single Family Residential District at 1736 Beidler St. M. Franzak presented the staff report. The property is zoned R-2, Medium Density Single Family Residential, and the building is a mixed-use type, with an apartment above a retail space. The retail area has been vacant for many years, and its location and condition make it difficult to attract any commercial investors. It is located almost 400 feet away from Laketon Ave and is not visible from any major streets. The building to the east and the building across the street are the same type mixed-use buildings and they have also had issues attracting commercial businesses. The applicant is requesting to utilize the commercial space as an additional apartment. Staff agrees that the space would be better utilized as an apartment rather than to continue to sit vacant and become obsolete and blighted. Staff initially looked into a rezoning to RT, Two Family Residential, but felt that was not the appropriate route, since the parcel is in the middle of a single family residential district. If the existing building were to be destroyed, the RT designation would allow a duplex to be built as a replacement, which does not fit with the rest of the neighborhood. The zoning ordinance allows previously existing or

established commercial uses not already converted to residential to be used for limited business purposes with a special use permit (see zoning excerpt below). All of these allowed business uses are considered more intrusive to a neighborhood than an additional apartment, so staff has interpreted the ordinance to allow less intensive (residential) uses with a special use permit as well. This will also ensure that in the event of the building being destroyed, the property could only be redeveloped into a single family residence, which fits in with the neighborhood. Apartments require two parking spaces per unit. There is a two-stall garage on site and room for two more cars in the driveway. The terrace is also paved in front of the building along Beidler St and Larch Ave, which allows for another four parking spaces. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff has received one comment. P. Bogner, owner of Wayne's Deli stated that she has no objection to the request as long as adequate parking is provided. Staff recommends approval of the Special Land Use Permit to allow the vacant commercial space to be converted into an additional apartment. This would allow for reinvestment of the property, while still limiting future uses in the event of a disaster.

J. Doyle asked if there were any tenants there now. M. Franzak stated that both units were vacant.

A motion to close the public hearing was made by B. Mazade, supported by J. Doyle and unanimously approved.

A motion that the request for a Special Land Use Permit to allow the conversion of the first floor commercial space into another residential unit in an R-2, Medium Density Single Family Residential District at 1736 Beidler St. be approved, was made by E. Hood, supported by M. Hovey-Wright and unanimously approved, with T. Michalski, F. Peterson, B. Mazade, J. Doyle, M. Hovey-Wright, and E. Hood voting aye.

Hearing, Case 2018-08: Request to amend the Planned Unit Development at 1670 E Sherman Blvd to utilize the building as a medical office that provides urgent care, occupational medicine and radiology, by Mercy Health Partners. M. Franzak presented the staff report. The property is part of the PUD that was approved for retail. The building was formerly an Old Country Buffet and then briefly a Chinese buffet. The applicant is requesting to utilize the building for medical uses, specifically for urgent care, occupational medicine and radiology. The PUD must be amended to allow this type of use in this location of the plan. There is adequate parking at the entire development to support this type of use. Staff recommends that traffic improvements be made where the traffic lane intersects the drive-thru at Panera Bread. Customers exiting the drive-thru often conflict with the cars driving east towards the exit. Staff observed several near-crashes at this intersection, which will only become more dangerous once the building at 1670 E Sherman is reutilized. More details are needed, but staff recommends either a stop sign and painted stop bar in the eastbound travel lane or a curb that would direct drive-thru customers east after receiving their food. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff had not received any comments from the public. Staff recommends approval of the request to use the parcel for a medical facility. This building has been vacant for many years and some of the other suites in this development have had difficulties attracting retail businesses. The influx of people to the area from the medical use should result in higher traffic numbers to the nearby businesses. However, any approvals should be contingent upon a new traffic pattern being approved by staff.

L. Burpee and M. Weesies discussed the project and answered questions. L. Burpee stated that

there was plenty of parking at this site. They hoped that having the medi-center here would alleviate some of the traffic congestion at the nearby Mercy Health campus's emergency room. The medi-center would be open 7 days a week with weekday hours for occupational health.

A motion to close the public hearing was made by J. Doyle, supported by F. Peterson and unanimously approved.

A motion that the request to amend the Planned Unit Development at 1670 E Sherman Blvd to utilize the building as a medical office that provides urgent care, occupational medicine and radiology, by Mercy Health Partners, be recommended to the City Commission for approval with the condition that a stop sign be erected and a white stop bar be painted on the pavement at the Panera Bread drive-thru exit, was made by B. Mazade, supported by E. Hood and unanimously approved, with T. Michalski, F. Peterson, B. Mazade, J. Doyle, M. Hovey-Wright, and E. Hood voting aye.

Hearing, Case 2018-09: Staff-initiated request to rezone 1814 Dyson St, 1824 Dyson St, 1831 Dyson St and 1828 Jarman St from B-2, Convenience and Comparison Business District to R-2, Medium Density Single Family Residential District. Also to rezone 1813 Dyson St from R-1, Low Density Single Family Residential District to R-2, Medium Density Residential District. Also to rezone 1808 McIlwraith St, 1814 McIlwraith St, and 1825 Jarman St from B-4, General Business District to R-2, Medium Density Single Family Residential District. M. Franzak presented the staff report. The Muskegon County Land Bank owns the home at 1814 Dyson St, which is improperly zoned for business uses. They have requested a rezoning to residential so that they can use grant funding to demolish the house. Staff also noted several other properties in the area that appear to be improperly zoned. All of these properties are either used as residential homes or are vacant residential lots. Having them zoned for business can make it difficult to sell the home, refinance or rebuild in the event of a disaster. Photos of each of the houses proposed for rezoning were provided to board members. All buildings appeared to be of residential construction. Notice was sent to all property owners/tenants within 300 feet of all of these properties. At the time of this writing, staff had received several calls from neighbors who had questions about the rezonings, but all were in favor after discussions. Staff recommends approval of the rezonings so that the current uses are reflected with the proper zoning.

No comments from audience members were received. A motion to close the public hearing was made by J. Doyle, supported by M. Hovey-Wright and unanimously approved.

A motion that the request to rezone 1814 Dyson St, 1824 Dyson St, 1831 Dyson St and 1828 Jarman St from B-2, Convenience and Comparison Business District to R-2, Medium Density Single Family Residential District. Also to rezone 1813 Dyson St from R-1, Low Density Single Family Residential District to R-2, Medium Density Residential District. Also to rezone 1808 McIlwraith St, 1814 McIlwraith St, and 1825 Jarman St from B-4, General Business District to R-2, Medium Density Single Family Residential District, be recommended to the City Commission for approval was made by M. Hovey-Wright, supported by E. Hood and unanimously approved, with T. Michalski, F. Peterson, B. Mazade, J. Doyle, M. Hovey-Wright, and E. Hood voting aye.

NEW BUSINESS

None

OLD BUSINESS

Hearing, Case 2017-33: Staff-initiated request to amend Section 2321 of the zoning ordinance to expand the overlay district and allow Wireless Communication Service Facilities at 1800 Peck St (Marsh Field) and 2375 Beach St (Water Filtration Plant). M. Franzak presented the staff report. Cell phone towers are regulated by Section 2321 (Wireless Communication Service Facilities) of the zoning ordinance. An overlay district allows these facilities in four different locations in the City. A map was provided to the board members showing those locations. Staff is requesting to expand the overlay district with two new locations, one at Marsh Field and the other behind the Water Filtration Plant. This would increase cell phone coverage throughout the City. This request is only to expand the overlay districts and allow companies to apply for a Special Land Use Permit to construct a new facility. There were some concerns from citizens at the December Planning Commission meeting about the water filtration plant location. They recommended that the proposed location be moved 200 feet to the south along the bike path. Staff has prepared that as option 2 on the aerial map included in the staff report. Option 1 would be in the area inside the water filtration plant parcel where there are already two existing antennas. If option 1 is selected, the existing antennas could be relocated to the new facility. It may not be possible to relocate them to Option 2 due to the cost laying new wires. Staff sent out a notice letter for this hearing to everyone within 300 feet of the water filtration plant. At the time of this writing, staff had received calls from Susan Newton at 3444 Keaton Ct and Herb Hooker at 3443 Keaton Ct, who were both in favor of Option 1 which showed one cell tower pole instead of the two antennas currently there. Staff recommends approval of the ordinance amendment with option 1 for the water filtration plant site. Staff received no opposition to the proposed Marsh Field location.

M. Franzak discussed comments he had received after the staff report was sent to board members. D. VanWesep and E. DeJong of 3430 Whiskey Hollow Dr both wrote letters opposing any cell tower location at the beach. D. VanWesep stated that it would negatively affect their view and believed it was bad for Muskegon's image as a tourist destination. E. DeJong was opposed due to having a cell tower or pole of an industrial nature obstructing the lake views. He also believed that it violated the zoning ordinance. M. Schutt of 3355 Lakeshore Dr wrote in support of Option 1, as better cell service was needed in the beach area. B. Mazade asked how tall the current towers were that were located on the property, and how tall the proposed cell pole would be. M. Franzak estimated the current towers to be 125 feet tall; a monopole like the one proposed was allowed to be up to 200 feet tall maximum. B. Mazade asked if a Special Use Permit would be required in order to erect the actual pole. M. Franzak stated that was correct. J. Doyle asked about the assertion in Mr. DeJong's letter about option 1 being in violation of the zoning ordinance. M. Franzak stated that the proposal did not violate the zoning ordinance for cell towers. He went on to discuss option 2's location, which was a less desirable option, as it was in a critical dune area as well as a city charter park.

D. Alexander of 3410 Whiskey Hollow stated that he was in favor of either option 1 or 2, depending on what the other neighbors decided. He asked if the City would get paid for use of the cell pole. F. Peterson stated that was correct. There was further discussion on whether any profits made from the tower would go toward the water department or the parks department. M. Franzak stated that option 2 located in the charter park would complicate the leasing of pole space and could be an expensive and time-consuming legal process according to the City's counsel. K. Kolberg of 3414 Whiskey Hollow stated that he did not think the beach was the proper area for a

tower or pole, and he was concerned that allowing one would lead to more. B. Mazade stated that city ordinance required co-location on the same pole, to eliminate the need for several poles or towers. L. Taunt owned property on Whiskey Hollow and stated that either option would be acceptable but it appeared that option 2 would be best for the neighbors. L. Page stated that he represented the Pigeon Hill Alliance, a non-profit group concerned with environmental issues in the area. He stated that he had made several cell phone calls from the area and was able to get through each time. Board members and other audience members stated that they regularly had calls dropped in the area of the beach. L. Page stated that he preferred option 1 over option 2, as option 2 was in a charter park and critical dune area.

A motion to close the public hearing was made by M. Hovey-Wright, supported by J. Doyle and unanimously approved.

A motion that the request to amend Section 2321 of the zoning ordinance to expand the overlay district for Wireless Communication Support Facilities be recommended to the City Commission for approval, with Option 1 being the recommended choice for the Water Filtration Plant site, was made by M. Hovey-Wright, supported by J. Doyle and unanimously approved, with T. Michalski, F. Peterson, B. Mazade, J. Doyle, M. Hovey-Wright, and E. Hood voting aye. F. Peterson confirmed that the motion included the Marsh Field site. M. Franzak stated that was correct.

OTHER

Imagine Muskegon Lake (IML) plan – M. Franzak updated board members on the IML plan progress. The consultants were almost finished; once the final plan was complete, staff would pursue adopting it as part of the city's Master Plan. B. Mazade asked if anything had changed from the draft plan. M. Franzak stated that there were some changes made.

There being no further business, the meeting was adjourned at 5:00 p.m.

DR